United Nations A/70/861–S/2016/420

General Assembly
Security Council

Distr.: General
6 May 2016

Original: English

General Assembly
Seventieth session
Agenda item 85
The rule of law at the national and international levels

Security Council
Seventy-first year

Letter dated 5 May 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a communiqué of the Coordinating Bureau of the Non-Aligned Movement on the violation of the principle of sovereign immunity of States by the United States of America (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 85, and of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative

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Annex to the letter dated 5 May 2016 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

New York, 5 May 2016

Communiqué of the Coordinating Bureau of the Non-Aligned Movement in rejection of unilateral actions by the United States in contravention of international law, in particular the principle of State immunity

The Coordinating Bureau of the Non-Aligned Movement rejects the illegal practice of the United States in defying international law by allowing and facilitating private plaintiffs to bring civil action before United States courts against sovereign States, including the Islamic Republic of Iran, leading to the award of default judgments against them and their national institutions. Legislation by the United States Congress to pave the way for illegally confiscating foreign assets in the United States and the actions by the United States Government to unlawfully hold them enable United States courts to issue groundless rulings.

The Bureau objects to United States defiance of international law through the unilateral waiving of the sovereign immunity of States and their institutions in total contravention of the international and treaty obligations of the United States and on a spurious legal ground that the international community does not recognize. This practice runs counter to the most fundamental principles of international law, in particular the principle of sovereign immunity as one of the cornerstones of the international legal order and a rule of customary international law — a principle whose primacy is recognized by the community of nations, all legal systems and the International Court of Justice and which was most recently codified in the United Nations Convention on Jurisdictional Immunities of States and Their Property.

The Bureau calls upon the United States of America to respect the principle of State immunity, and reiterates that failing to do so would have adverse implications, including uncertainty and chaos in international relations and the undermining of the rule of law at the international level, and would constitute an internationally wrongful act, which entails international responsibility.

The Bureau seizes this opportunity to reiterate the call of the Non-Aligned Movement to uphold dialogue and accommodation over coercion and confrontation as well as to promote peaceful settlement of disputes.